

AMENDED IN SENATE JUNE 17, 2004

AMENDED IN ASSEMBLY MAY 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1923**

**Introduced by Assembly Member Lowenthal**  
**(Coauthor: Assembly Member Koretz)**

February 10, 2004

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An act to add Section 6401.8 to the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1923, as amended, Lowenthal. Occupational safety and health: emergency response personnel.

Existing law requires employers to establish, implement, and maintain a written injury prevention program that contains certain mandatory provisions as part of an effort to reduce workplace injuries. Under existing law, an employer who knowingly, negligently, or repeatedly violates these provisions is guilty of a misdemeanor.

This bill would require an employer of emergency response personnel, ~~as defined~~, to make counseling services available to its employees for the purpose of relieving stress suffered by those employees generated by exposure *in the line of duty* to a critical incident, ~~as defined~~. *The bill would define emergency response personnel, counseling services, and critical incident.*

This bill would encourage fire departments to seek federal assistance to aid the departments in making counseling services available to their employees.

This bill would additionally provide that an employer of emergency response personnel that, as of the effective date of this bill, makes counseling services available to its employees for the purpose of relieving stress suffered by those employees generated from exposure to a critical incident, shall be deemed to be in compliance with the requirements of this bill.

Because an employer who violates the requirement imposed by this bill would be guilty of a misdemeanor under existing law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6401.8 is added to the Labor Code, to  
2 read:  
3 6401.8. (a) An employer of emergency response personnel  
4 shall make counseling services available to its employees for the  
5 purpose of relieving stress suffered by those employees generated  
6 by exposure *in the line of duty* to a critical incident.  
7 (b) For purposes of this section:  
8 (1) “*Counseling services*” means services provided by a  
9 professional counselor trained in critical incident stress  
10 intervention and post traumatic stress disorder. The counselor may  
11 make any referrals he or she deems necessary to a licensed  
12 professional mental health treatment provider for assessment.  
13 (2) “Critical incident” means an incident ~~involving mass~~  
14 ~~human casualties that could adversely affect the psychological and~~  
15 ~~physical well-being of emergency response personnel.~~ *that occurs*  
16 *during working hours involving multiple human casualties,*  
17 *maiming, or dismemberment, a fatality involving a child, or a*  
18 *fatality or serious injury involving a coworker. For purposes of this*  
19 *paragraph, “serious injury” shall have the same meaning as that*  
20 *term is defined in Section 6302.*

~~(2)–~~

(3) “Emergency response personnel” includes workers whose duties substantially consist of providing emergency response services, but does not include workers who are occasionally called upon to render emergency services incidental to their normal duties.

(c) Fire departments are encouraged to seek federal financial assistance through the Assistance to Firefighters Grant Program administered by the United States Office for Domestic Preparedness in cooperation with the United States Fire Administration to aid the fire departments in making counseling services available to their employees, as required by this section.

(d) An employer of emergency response personnel that, as of the effective date of this section, makes counseling services available to its employees for the purpose of relieving stress suffered by those employees generated by exposure to a critical incident, shall be deemed to be in compliance with the requirements of this section.

(e) Compliance with the requirements of this section does not affect the obligation of an employer of emergency response personnel to establish, implement, and maintain an effective injury prevention program, as required by Section 6401.7.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.